IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

NOTICE OF MOTION NO.2272 OF 2007
IN
NOTICE OF MOTION NO.1230 OF 2007
IN
SUIT NO.1705 OF 1998

Bralco Metal Industries Ltd. .. Plaintiff
v/s.
M/s. Elite Auto Industries .. Defendant

Mr. S.P. Dalal for the plaintiff.
Mr. N.K. Mudnany for the defendant Nos.1,2 and 4 to 6.

CORAM : A.M. KHANWILKAR, J.
DATED : 27TH JUNE, 2007

P.C.

Counsel for the plaintiff is right in making grievance that the order passed on 18th June, 2007 finally disposing of the motion was not consistent with the category in which the motion was placed for hearing. On 18th June, 2007, the notice of motion was shown for hearing on ad-interim relief and not for final hearing. As that fact is not in dispute, obviously therefore, the plaintiff is justified in asking for recall of the order dated 18th June, 2007.

2. To that extent, this motion to succeed in terms of prayer clause (a). In other words, notice of motion No.1230 of 2007 shall stand restored to the file to its original number. Even though this order is passed, it is placed on record that the defendants' claim that they have already acted upon the order dated 18th June, 2007 by entering into an agreement dated 21st June, 2007 with Paramount Health Services Pvt.Ltd. This order is not an expression of opinion either way in relation to the effect of such transaction effected by the defendants.

3. Counsel for the defendants to give copy of the plaint to the counsel for the plaintiff.

4. Restored motion be placed for hearing as per its turn under the appropriate caption on 7th August, 2007. Further pleadings, if any, be completed and filed in the Registry on/or before 31st July, 2007.

(A.M. KHANWILKAR, J.)